

JOE DONNELLY is a real loss. It is a loss for this body, a loss for the State of Indiana, and a real loss for America. He is an independent man and an honest person, and in a politics that is far too short on both, we will miss his steady hand here in the Senate, but also at first base, where he was relied on in the Congressional Baseball Games year after year.

We thank Jill, his lovely wife, whom he met in Indiana. Maybe she was the first reason he never went back to New York. We thank his children, Molly and Joe, Jr., for letting us borrow him these past 6 years.

JOE and I are friends for life. This election result will not break that friendship and that bond.

Iris and I and all of the Members of this Chamber wish JOE and his family the very best. Since there are no New York schools in the college football playoffs, this Senator will be rooting for JOE's beloved Fighting Irish.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. DONNELLY. Madam President, I thank the leader, who is my friend and colleague, CHUCK SCHUMER, for his kind words.

I thank Senator DURBIN, who is here, as well, and I thank all the Members.

I see my friend Senator FISCHER. We team up on the Strategic Forces Subcommittee.

Of my friend Senator GRASSLEY, not everybody knows Senator GRASSLEY has relatives who are spending eternal rest in Michigan City, IN, which is not too far away from where I live.

To everybody who works here—to the incredible team that makes everything go and to all of our pages who have done such a wonderful job—it has been such a privilege to serve in the U.S. Senate. What an unthinkable thing for a kid to have a chance to do. To actually be here takes your breath away. Our Nation is so extraordinary, such a wonderful place. The trust we are given to represent our people is something that we take so seriously.

To the whole team, nothing we do could ever be done without your hard work, and the effort we have put in to be part of that is something I will never forget. I just say thank you. Thanks to everybody here. It has been such a privilege.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

SAVE OUR SEAS ACT OF 2017— Continued

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the House message to accompany S. 756, which the clerk will report.

The senior assistant legislative clerk read as follows:

House message to accompany S. 756, a bill to reauthorize and amend the Marine Debris Act to promote international action to reduce marine debris, and for other purposes.

Pending:

McConnell motion to concur in the amendment of the House to the bill, with McConnell (for Grassley) amendment No. 4108, to provide for programs to help reduce the risk that prisoners will recidivate upon release from prison.

Division I of McConnell (for Kennedy/Cotton) amendment No. 4109 (to amendment No. 4108), to require the Director of the Bureau of Prisons to notify each victim of the offense for which the prisoner is imprisoned the date on which the prisoner will be released.

Division II of McConnell (for Kennedy/Cotton) amendment No. 4109 (to amendment No. 4108), to require the Director of the Bureau of Prisons to notify each victim of the offense for which the prisoner is imprisoned the date on which the prisoner will be released.

Division III of McConnell (for Kennedy/Cotton) amendment No. 4109 (to amendment No. 4108), to require the Director of the Bureau of Prisons to notify each victim of the offense for which the prisoner is imprisoned the date on which the prisoner will be released.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, because it has been announced that we have gone to the bill, it makes it necessary for me to ask to speak for a few minutes, as in morning business, on a subject that is unrelated to the bill before us.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Madam President, before I go to that subject, I just heard Senator SCHUMER speak about the bill before the Senate, the criminal justice reform bill, but he has left the floor now. I thank him for his kind remarks and his backing of that bill—a very overwhelmingly bipartisan piece of legislation that is going to be the first major change in criminal justice legislation since the Clinton era of the early 1990s.

TRIBUTE TO JILL KOZENY

Madam President, throughout my 38 years in the U.S. Senate, I have come to the floor tens of thousands of times. I have come to vote, to give speeches, to manage bills, and to debate issues that impact Iowans and the American people. As all of us do, I also vote from the Senate floor. Since 1981, I have cast 12,800 votes on behalf of Iowans. I take pride that I haven't missed a single vote since 1993. In fact, I hold the longest consecutive voting streak in Senate history. Since my reelection to a seventh term, I am now the longest serving U.S. Senator from Iowa.

It is the privilege of my life to represent my home State. I wake up every day being grateful to work another day for my fellow Iowans. I am also grateful for the service, dedication, and loyalty of my Senate staff, who work every day to help me to serve Iowans. The work of my staff is what brings me to the Senate floor today. I am here to pay tribute to an extraordinary staffer

who is also an extraordinary individual.

Jill Kozeny has served on my staff for the last 30 years. To put that in perspective, she has worked on behalf of Iowans and the American people for more than half of her life and has done that right here in the Senate. Jill is a patriot and a public servant and has a servant's heart through and through.

They say all good things come to an end, and at the end of the 115th Congress, Jill Kozeny, my chief of staff, will close this incredible chapter in her life.

After graduating from the University of Nebraska at Lincoln, the Omaha native worked for Nebraska Senator David Karnes. Then she applied to be my assistant press secretary. I offered her the job. At first, she turned it down. She said she had decided she wanted to attend law school. Yet 24 hours later, she called back. She had changed her mind and wanted to come to work for me. She never looked back. Nebraska's loss was Iowa's gain.

Jill first joined my Senate staff in 1989. She arrived to Hart 135 under the name of Jill Hegstrom. After having worked for 30 years for the people of Iowa, I would say Jill more than qualifies as an honorary Iowan. In fact, she was married in Des Moines to Tom Kozeny, her husband. As many of my colleagues know, for the last 38 years, I have held a meeting in each of Iowa's 99 counties—at least 1 every year—and for the last 30 of those years, Jill has staffed hundreds of those county meetings and Q and A's along the way. This is where the rubber meets the road—in sitting down and talking to Iowans and in meeting Iowans in their hometown communities to hear their concerns and doing it face-to-face.

Day after day, Jill Kozeny has worked her tail off to make sure that our office and my staff have addressed the concerns of Iowans. Whatever uncertainty Jill had before joining my staff has evaporated completely through these years. Her confidence and her competence have grown as she has risen through the ranks. As press secretary and director of communications, she worked for years in leading my communications staff. She developed respect, trust, and credibility with reporters, and that is hard to do in this town. A request for information from even a weekly newspaper in Iowa was treated as importantly as one from a national correspondent or a television news anchor.

Jill has been a loyal and trusted adviser to me and a trusted leader and mentor to my entire staff. In 2013, when the job opened up, I didn't hesitate to hire her to lead my office as chief of staff. Jill's tenure as a trusted and loyal adviser truly understates the depth of her contribution and service over these many years. At every turn, she has gone the extra mile—above and beyond the call of duty—to make sure my office has operated effectively and efficiently for Iowans. With Jill at the

helm, I have never once had to worry if the office has been working the way “Grassley works.” Those two words, “Grassley works,” are famous in Iowa because they have been my campaign slogan since 1978.

Jill has set a tone of professionalism, courtesy, fairness, and integrity. As chief of staff for 15 staffers in Iowa and 25 here in Washington, Jill has set a tone of camaraderie, collegiality, respect, and confidence. Just ask members of my current staff or even people who had left my staff, maybe, 10 years ago about Jill Kozeny or ask her work colleagues in the press corps. They describe Jill’s reputation and work ethic as dependable, substantive, thorough, and exemplary. Reporters say she is fair, patient, professional, and has “set no better standard.”

She has known how to build policy coalitions and how to navigate high-stakes political dramas that require a thick skin and a shrewd intelligence. It is a pressure cooker here in Washington, DC, on any day, and Jill has never rattled. Throughout her service, Jill’s leadership has been instrumental in advancing the important legislative achievements and oversight work, including the historic tax cuts and the judicial confirmations achieved just this Congress. She has served as a pivotal political adviser to me in my last four political campaigns as well.

Without a shadow of a doubt, I will miss having her by my side. I have total confidence in her ability and complete trust in her advice. As Jill has shared with staff through the years, I quote her: “I grew up in the Grassley ‘cut-your-teeth school of work ethic,’ where anonymity and hard work are the most effective way to serve and be effective.”

For over 30 years, she has mentored scores of employees, from interns to entry-level staffers, to the most senior investigators and attorneys in my office. Both current and former staff have counted on her counsel and leadership. They say she has offered uncommon grace, goodness, and guidance. Jill has brought joy to the job, and it has shown in her work product and our workplace. She has been a highly skilled communicator, well organized, very articulate, and gracious. There is no other way to say it. For 30 years, Jill has brought 100-percent devotion to this job and 100-percent devotion to the people of Iowa, and I would have to say, without equivocation, that she has made me a better Senator.

As a chief of staff in the U.S. Senate, Jill has reached the highest rungs of the congressional staff ladder on Capitol Hill. She has made her mark in these marbled hallways and has done so with an unassuming anonymity, with competence, and with a confidence that has been hard earned but has been very well deserved.

My staff has become like family to one another. After so many years of working together at all hours of the day—you might say 365 days a year for

the last 30 years—the professional relationship that I have grown to value tremendously has evolved into a warm friendship that Barbara, my wife, and I have valued even more. Capitol Hill staffers know that this workplace and its work pace are all-consuming. Yet life marches on. It is a true joy to share in the joys of life that my staff share with one another and with Barbara and me.

Without a doubt, Jill takes pride in her work. After a long day’s work, Jill goes home to her most cherished pride and joy. Jill and Tom, her husband, are proud parents to three beautiful children. Mary is a sophomore in high school, and their twin boys, Andrew and Teddy, are in the seventh grade. As Jill once said, “a full nest is best.”

Barbara and I have had opportunities to attend a couple of the boys’ baseball games. They are very good athletes. They bring this same determined mindset to the game as their mom does to her job. As one of the boys approached the batter’s box, he purposely tapped his bat to the underside of his cleats. Clear-eyed and laser-focused, it was obvious the steely, competitive spirit was inherited from Mom.

The sense of family and friendship was manifested, more than ever, on that famous day we refer to as 9/11. Shortly after 11 a.m. that morning, Barbara and I, along with dozens of staff members from the office, took refuge in Jill’s home near Capitol Hill. It is a day we will never forget for so many reasons, one of which is how Jill opened up her home because everybody needed a place to go because you couldn’t go anywhere else.

When terrorism struck the Nation’s Capital, Jill Kozeny showed grace under fire. As usual, she set the tone: Keep calm and carry on.

Earlier this year, Jill woke up very early to catch an international flight to China. She and another staffer were joining me on a congressional trade trip. As she prepared to leave for the airport, she smelled smoke. It turned out that the neighbor’s house next door was on fire, but it affected her home as well. After putting out fires for 30 years in the Grassley office, Jill, also known as, as we call her in our office, not CEO, but COE—chief of everything—she jumped into the crisis mode and got her family safely outside. But she also had that flight to catch, so she left the substantial mess—tremendous smoke damage and inconvenience—in the capable hands of her husband.

I would like to express my gratitude to Jill’s family because they also participate in this thing we call public service, which is a noble calling. It often requires unsung sacrifice from family members, as happened on that day last April.

Although Jill wasn’t on my staff when I was elected to the House of Representatives, she knows I admired my predecessor. He represented Iowa’s Third District—Congressman H.R. Gross—for 26 years. His approach to

constituent service was legendary. He once advised me in the first days of my membership in the House of Representatives that if a little old lady called and wanted her toenails trimmed, well, clip her toenails. Throughout my public service, I have used that as a benchmark.

I have worked to uphold the highest standard of constituent service in representative government, and it takes a person’s staff—people like Jill—to help get that job done. Throughout her service to me and to the people of Iowa, Jill Kozeny has fulfilled and exceeded this expectation that Congressman H.R. Gross set for me, including my priority to respond to every Iowan who writes or calls into my office. Some days, constituent correspondence may seem like the movie “Groundhog Day,” but it is the way “Grassley Works.” And Jill has ingrained and managed this philosophy with my staff throughout her years of service.

In closing, I have a message for my chief of staff. Honestly, I am sad to see her go. At the same time, I am happy for her. Considering all that she has done and sacrificed for the people of Iowa and, more importantly, for me, I wish her the very best.

I thank you from the bottom of my heart for your loyalty and service. Barbara and I extend our warmest wishes to you and your family. It is hard to think about the passing of the baton. You have had a remarkable run in the Senate. May God bless you as you blaze a new trail. I have no doubt it will be extraordinary.

Being extraordinary runs in Jill’s veins.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. DURBIN. Madam President, let me first acknowledge my good friend and my colleague CHUCK GRASSLEY, who has just paid tribute to a member of his staff who has served for more than 30 years. I don’t know her personally, but we can tell his words were heartfelt and could tell of his appreciation for her public service.

On behalf of the Senate, I want to thank her and all of the staff people who make our careers possible. As talented as we may think we are, we wouldn’t be anywhere without staffers who are determined to serve the people and serve us.

His tribute to his chief of staff—chief of everything, as he described her—was certainly heartfelt from a man I know is a very sincere and positive individual. I just wanted to say those words.

TRIBUTE TO JOE DONNELLY

Mr. DURBIN. Madam President, I also wanted to add my comments to what was said earlier by the Democratic leader, Senator SCHUMER, about our departing colleague JOE DONNELLY. We are really going to miss him. We are going to miss all four who are not going to be back with us.

JOE is my neighbor in the State of Indiana. There is hardly a meeting of

Democratic Senators where you don't hear some laughter and look at the center of the meeting and see that it is JOE DONNELLY. He makes us all feel good about who we are and what we do, even when some of these assignments we receive are pretty tough.

I want to join CHUCK SCHUMER in saying thanks to JOE DONNELLY for serving Indiana and for being such a great colleague during these last 6 years. We will miss him.

Mr. DURBIN. Madam President, on a separate subject, this bill, S. 3747, is a bill which is historic. It is 149 pages, and the first 60 are pages that address prison reform. This bill in its entirety has been endorsed by the political spectrum of America. I would say to Senator GRASSLEY that I can't remember another bill that had this kind of support, left and right, liberal, conservative, Republican, Democrat. It is all there, supporting this legislation.

To have a bill that Senator GRASSLEY and I worked on with Senator LEE and Senator BOOKER tells a story in and of itself—the four leaders on this legislation—but then to consider the fact that President Trump has endorsed it, that Vice President PENCE has come to the Republican conference lunch saying he is behind it and urging the Republican caucus to support it as well, really speaks to the political bipartisanship that we rarely, if ever, have seen in Washington.

The groups who are behind it are equally amazing. To have the support, on an important criminal justice reform bill, of the Fraternal Order of Police is a great starting point, as far as I am concerned. Then to have the leading prosecutors—the leading criminal prosecutors association—join with the police really tells us that on the law enforcement side, we have the major players. On the other side, incredibly, we have the American Civil Liberties Union supporting this and most of the major civil rights organizations.

I think we have really struck a good point here where we have worked and compromised for 5 or 6 years to reach this moment. It is possible that as early as today, this bill will be up for us to vote on, but before we reach that point, there is the possibility of amendments that are going to be offered—three amendments, as we understand it, under the current procedure. I would like to address generally the amendments that will be offered.

Senator COTTON of Arkansas is the lead sponsor of these amendments. There are three amendments because Senator COTTON took his original amendment and literally divided it into three pieces, which is his right under the Senate Rules of Procedure. I have taken a look at those—a very close look, I might add—and I want to put on the record some facts that I hope Members of the Senate on both sides will consider when the Cotton amendments come before us on the floor.

One of the major elements in Senator COTTON's amendment is "notification

of victims." In other words, if we are going to change the status of a person in Federal prison to the point where they may be released early, Senator COTTON suggests that we must—we must—notify crime victims. It sounds reasonable on its face, and it is. In fact, it is so reasonable that we currently have a law that guarantees that.

The Crime Victims' Rights Act is the Federal statute, and under the Crime Victims' Rights Act, we say to victims: You have the right to know if a criminal defendant who perpetrated a crime against you is going to have a change in their status as a prisoner. We spell out many other things in about 10 different provisions giving rights to crime victims.

This isn't the only guarantee of crime victims learning what is happening to the criminal defendant who perpetrated the crime. It turns out that the Bureau of Prisons does the same thing. They notify crime victims of change in status of the criminal defendant.

What is the difference? What is Senator COTTON trying to add to this? He is adding to it an element that is very worrisome, and I am afraid he hasn't thought it through clearly.

You see, under the Crime Victims Act, it is up to the crime victim to determine whether they want to be notified. It turns out that over the last 5 years, 10 percent of the crime victims, when given the offer of being notified about a change in status of the criminal defendant, 10 percent of them—about 160,000—have said: No, we don't want to be notified. We have consciously decided. Don't notify us.

Why? Why would a crime victim say: Don't notify me. Well, there are a myriad of reasons. Consider the possibility that the victim is an infant or a child who has gone through the horrible experience involved in this crime, and the guardians or parents of that crime victim, who is a child, have decided that they don't want their child to be exposed to all of this information about some criminal defendant, for whatever reason. It could be as a result of psychological counseling. It could be that they don't want them to face re-traumatization by going through—reliving that horrible criminal experience.

Think of an adult who decides as a crime victim: I want to put this behind me. I don't care to hear anything more about this. My life is going to go on on a separate track, and this is the past. I want to look to the future.

So a crime victim—even an adult—can decide, don't notify me. It is their decision. It is not a government decision; it is an individual decision. We give to crime victims the respect and the freedom to decide if they will be notified. Senator COTTON does not. Senator COTTON mandates notification, requires notification of the change in status. That is serious, and it could have a serious impact on someone who has already been victimized, forced

into some horrible condition in their life that they would be forced again to revisit again when they do not want it, when they consciously do not want it.

What have the crime victims associations said about the Cotton amendment? It is universal—they have said it is wrong, and they have said that in very explicit terms. Let me tell you one group that I think is important for us to consider: the Crime Survivors for Safety and Justice. We believe it is the leading, largest crime victims organization in America. Over 30,000 crime victims are part of this organization to stand up for the rights of those who have been victimized by crime. What do they have to say about the Cotton amendment that would force notification on people who do not want it? Here is what they say:

A mandatory notification requirement is contrary to the victim-centered approach of avoiding re-traumatization. Current law and DOJ policy permit a victim to determine whether he or she wants notification of release. A mandate—

The Cotton amendment—

like this requires notification for those who may not want it and could trigger trauma for thousands of victims many years later after the crime.

They go on to say:

[Bureau of Prisons] data on the release date of any prisoner is publicly available on the [Bureau of Prisons] website. Victim notification is already required by law if victims choose to receive the notice. The Crime Victims' Rights Act provides the right to timely notice of any release.

Victim notification already occurs through the [Department of Justice's] Automated Victim Notification System if victims opt to receive the notice. This system is a partnership with the [Bureau of Prisons], the FBI, the U.S. Postal Inspection Service, and the United States Attorney's Office. It is a free, computer-based system, which provides victims with information on scheduled court events, the outcomes of events, custody status and release dates.

In other words, all of the information about the disposition of a criminal defendant is currently available online, easily accessible by crime victims if they choose to receive it. Ten percent of them—1 out of 10—say: No, we don't want to receive it. Senator COTTON, with his amendment, does not respect that decision by the 10 percent and says they will be required to receive it. That is not good for crime victims. It certainly violates the spirit of the Crime Victims' Rights Act, where we leave that decision, when it comes to minors and even adult victims, to the families affected. Why would we override that provision in the law?

There is another group who has come forward, a woman by the name of Tricia Forbes, a regional training manager with the Texas-based Crime Survivors for Safety and Justice. In The Hill newspaper that was published this morning, she has a lengthy article opposing the Cotton amendments. Here is what she says:

Cotton and Senator Kennedy claim they are trying to protect victims with an amendment to force the Federal Bureau of Prisons

to notify victims of a crime when the perpetrator is being transferred to pre-release custody, but their real goal is simply to delay, dilute, and derail the bill. The existing draft of the FIRST STEP Act was the result of careful, bipartisan and bicameral negotiations. By adding their last-minute amendments, Cotton and Kennedy want nothing more than to break up the broad bipartisan coalition that has come together to support this bill.

There is also a letter from Anne Seymour, project director for Fairness, Dignity & Respect for Crime Victims & Survivors. This letter, which she sent to all Members of the Senate, says:

I write today to urge you to vote No on Senators Cotton and Kennedy's "Victim Notification" Amendment. It is clear that Congress can and must do more to support the needs and rights of crime victims and survivors. I am disappointed that almost no elements of the FIRST STEP Act are tailored specifically to the needs of victims. However, Senators Cotton and Kennedy's proposed amendments neither comply with best practices in trauma-informed victim services, nor improve this bill.

She closes by saying:

I urge you to vote No on Senators Cotton and Kennedy's amendments, and encourage you to offer solutions that are better tailored to identify and address the critical needs of crime victims and survivors in a manner that is survivor-centered and trauma-informed.

So crime victims groups have come forward and said that the Cotton amendments would be harmful to crime victims.

Those who wish to be notified have every right to be, and they are provided that notification under statute and under existing policy of the Bureau of Prisons. Those who opt out and say "I don't want to be notified" should be respected. We should not force this on them.

I encourage my friends—those who are considering this bill and discussing it with their staffs—to look closely at what the crime victims organizations say about the Cotton amendments and understand that if we are going to be respectful of these people who have been victimized by crime, we have to vote no on those amendments.

The second element that has been raised by Senator COTTON in the amendments relates to the crimes that are listed as making someone ineligible for prison reform programs or early release programs. Our bill is 60 pages long. More than a third of the bill is filled with a list of over 60 different Federal crimes, and we say: If you committed this crime, you are not eligible as a Federal prisoner for the rehabilitation program in this bill. There are 60 different ones that we have added.

Members would come up to us—Senator GRASSLEY, myself, Senator BOOKER, Senator LEE—and say: We think you ought to add such-and-such crime. We would take a careful look at it, and in most cases, we agreed to do it. Let me give an example.

Senator TED CRUZ, a conservative Republican from Texas—and I think he wears that label proudly—said he

would consider voting for our bill if we would consider adding a number of crimes to the list of crimes that would make a criminal defendant ineligible to ask for help under this bill. We looked at it carefully. There were about six or eight of these that we thought were acceptable. We asked if we could add those to the list—a list of already 60 crimes. Unfortunately, Senator COTTON objected. He did not want that added to the bill. Now it turns out he is going to argue in his amendment that he wants part of the Cruz list to be added at this point.

Well, we had a chance to do it, and it was a bipartisan measure, but he objected to our adding it. However, he has one provision in his amendment that goes far beyond Senator CRUZ's list or the enumerated crimes that we said make you ineligible. He has created a new category of crime. I have read a lot of definitions over the years, but it is really hard to follow what he is trying to achieve here because, in addition to the enumerated crimes that would make you ineligible, he adds the following: any offense that is not otherwise listed in the subsection for which the offender is sentenced to a term of imprisonment of more than 1 year and "has as an element, the use, attempted use, or threatened use of physical force against the person or property of another." I have never seen that definition—"physical force against the person or property of another."

We went to the Sentencing Commission and said: How many crimes would that include? They said: It is impossible to calculate. But we think that at least 30,000 people would be ruled ineligible—by those words that I have just read—who might otherwise be eligible for earlier release.

So what he has come up with is his own definition of criminal standard, one which we have never seen before, and he wants that to apply to this bill, which we worked on for 6 years.

So I would say, when it comes to the Cotton amendments, Members of the Senate really have a very clear and stark choice: They can support a bill that has been worked on on a bipartisan basis and enjoys the support of police, prosecutors, and those groups which protect our constitutional rights—all together, right and left, supporting; they can support a bill that has bipartisan support here on the floor of colleagues and Members who rarely come together, but we have come together on this bill because we found a good compromise; they can support a bill that has the support of survivors and criminal victims organizations; or they can vote for the Cotton amendments.

Supporting the Cotton amendments that are being offered—opposed by crime victims' rights groups across the board, by the leading crime victims' rights groups—is basically saying to these crime victims: We are going to force this information on you whether

it is in the best interests of your family, whether you want it or not. That is not respectful of crime victims.

I hope my colleagues will join me in opposing the Cotton amendments.

Mr. BOOKER. Would the Senator yield?

I wish to express my gratitude on the floor. I have been here in the Senate for almost exactly 5 years, and Senator DURBIN and Senator GRASSLEY have been nothing short of heroic, in my eyes, in consistently working the entire 5 years to get us to this point where we are, to use a football metaphor, on the 1-yard line in getting this over. Obviously, Senator MIKE LEE and Senator WHITEHOUSE have also been in that category.

You did an incredibly good job of laying out that we have amendments that go counter to the victims groups and to their interests and to their well-being, their often emotional well-being, being retraumatized, forced to be back out there.

But I want to ask you a question about that last amendment COTTON is making about that so-called exclusion list, people who won't be eligible for particular programs before they are released. In other words, there are programs they can enroll in while they are in prison that would ultimately shave a little bit of time off their sentences. These programs, though—I would like you to maybe go into them because they are evidence-based programs that actually lower recidivism rates, and they save taxpayer money. The idea behind this—maybe you could explain it—is to make sure that when people are released, they don't come back. In other words, if they don't get into these programs, it is more likely that those very people he has tried to exclude might come back. Can you explain why these programs are important and why they make sense?

Mr. DURBIN. I thank the Senator.

Yesterday, our colleague Senator CORNYN, a Republican from Texas, came forward and said that his State of Texas and other States are showing that they can reduce recidivism—in other words, committing another crime after you are released—by treating prisoners differently in their State prisons. As I said on the floor, you may be shocked to think that Texas would be a leader in this, but they have been, and they have seen a reduction in the incidence of crime and a reduction in the incidence of incarceration—things we like to see happen. Reduce the cost to taxpayers of the prisons, but reduce crime on the streets too. Make sure you do both.

He believes they have achieved it. What they did was they looked at programs that work. So what we did was the same thing. Senator GRASSLEY and I, as well as, as you mentioned, Senator CORNYN and Senator WHITEHOUSE, looked at these prison reform programs in the States and said: What can we learn from them?

What we did was to establish the obligation of the Attorney General—this

is not the obligation of social workers but the obligation of the Attorney General of the United States to take a hard look at the programs that work for prisoners. What can we do to make sure they don't commit another crime, create another victim, and come back to prison?

We spell out exactly what we are looking for: the most effective and efficient, evidence-based recidivism-reduction programs. That is a long title. What that basically means is that we don't want to waste any more time here. We want to focus tax dollars on programs that have proven results, and unless they commit one of the crimes that make them ineligible, we offer these to prisoners. By participating in them, they can reduce the time they serve or be released to a halfway house or something similar to that. That is what this is all about, start to finish, and we believe this will work.

What if they mess up in the course of being enrolled in the program? We have a provision in here that says: You are done. You are either going to do this in good faith, positively, without any violations of your responsibilities as a Federal prisoner—we will give you a chance for less time but no nonsense.

Good program. Good participation. We hope good results, and we are going to measure it. We are going to come back. The General Accounting Office is going to give us a report on our success—of those who are released, how many turned around and committed another crime? So we are going to take a hard look at this—an honest look, I might say. I believe this is the best way to do it. Make sure it is evidence-based. Make sure it is a fair opportunity for those who want to participate and turn their lives around to do just that.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. KYL). The Senator from Connecticut.

BIPARTISANSHIP

Mr. BLUMENTHAL. Mr. President, sometime in the next 2 weeks, we will leave this body and this session, and many of us will return in January for the next one. We will leave many challenges unmet and many problems unsolved, partly because of the partisanship that has paralyzed the Congress, our Federal Government, and many of our States.

The model for what we should adopt as the spirit going forward as we begin that new session is articulated powerfully in a letter that was recently sent to us by 44 former colleagues—10 Republicans, 32 Democrats—coming together to cite the challenges this Nation faces and the need for us to do so in a bipartisan way, coming together in the spirit of what makes this country the greatest in the history of the world.

I hope my colleagues will pay attention to that letter. Yesterday, I entered it into the CONGRESSIONAL RECORD, and I am proud today to cite parts of it that I think are worthy of

our attention. They say—and they are right—that “we are at an inflection point [in our Nation's history] in which the foundational principles of our democracy and our national security interests are at stake, and the rule of law and the ability of our institutions to function freely and independently must be upheld.”

That is a quote from a letter which puts us on notice that we have a historic obligation to work together, as they have come together in this letter, as they did so often to accomplish great things in this body.

They say:

We are on the eve of the conclusion of special counsel Robert S. Mueller III's investigation and the House's commencement of investigations of the president and his administration. The likely convergence of these two events will occur at a time when simmering regional conflicts and global power confrontations continue to threaten our security, economy and geopolitical stability.

Above all the issues that occupy us in these closing days of the session and will confront us as we begin the next, the backdrop is a dangerous world and severe jeopardy to our democracy and rule of law.

They say, and we should keep in mind, that during their service in the Senate, at times we were allies and at other times opponents, but never enemies.

That is the spirit that must move us as we end this session, but, more importantly, as we begin the next session. That commitment to the rule of law that these 44 of our former colleagues have expressed must animate us as well.

The three former colleagues who signed from Connecticut could not be more different. Senators Weicker, Dodd, and Lieberman are different as people, in character, and in background in almost every way, except in their commitment to this country and in their allegiance to that principle of coming together in a bipartisan way.

I hope we will take this lesson. I am far from the most appropriate Member of this body to be lecturing anyone on the spirit of this great institution, but it has impressed me over a long time. My colleagues who were here today supporting criminal justice reform, on both sides of the aisle, embody that spirit as well.

We have a real opportunity on criminal justice reform to do real tangible good. The United States has less than 5 percent of the world's population. Yet, at 2.1 million incarcerated people, we have nearly a quarter of the world's prisoners. Anybody who has been a prosecutor—and we have many in this body—knows the complexities and the challenges of dealing with crime and ensuring fairness and justice in our criminal system.

As a former U.S. attorney and attorney general of the State of Connecticut, I have been proud and privileged to work with the professionals of our law enforcement community. I

have marveled at their dedication, professionalism, and skills. I have been impressed so deeply by our corrections officers and the men and women who every day go to work staffing and manning the prisons and other correctional facilities where the justice system extends its reach over people's lives. My experience has taught me that protecting public safety is not simply a matter of locking up people for the longest possible time.

The Federal Government currently spends billions every year maintaining our prison population—the largest in the world. If we really want to keep people safe, there should be more dedication of resources to State and local enforcement, who patrol our streets, keep our communities safe, and provide role models for many of our young people.

Much of the money that we spend now could be better devoted to more effective investigation, training, and equipping prosecutors with the tools they need, ensuring the most dangerous of the criminals are not only apprehended but kept behind bars and the least dangerous are given an opportunity and a second chance to make good out of their lives.

Targeted innovative programs have been shown to deal with crime more effectively than broad, blunderbuss, lock-them-up kinds of programs. Spending billions of dollars on extended prison sentences for nonviolent criminals may seem tough on crime, but toughness in a war on crime has been shown to be insufficient. More than being tough, we need to be smart. The human and financial costs of mass incarceration simply are not worth the costs. This legislation sets a marker that it is time to make a change.

Opponents of reform want to play on our fears. They want to see every convict as a threat, every ex-convict as a menace. They deny the fundamental premise of our human justice system and our criminal justice—that we must seek rehabilitation and recovery, not just punishment; that people can make good from second chances.

As an example, let me cite Reginald Dwayne Betts, who is a Connecticut resident and a graduate of the Yale Law School. When Betts was 16, he made a serious mistake. He joined a few friends and others he hardly knew, getting into a car with them and joining in a robbery. The driver of the car, a man in his early twenties, was unknown to Betts. He appeared to be in charge. Betts asked him for his pistol. He was given the firearm and told to keep the safety on so there would be no accidental gunshot. They headed to a mall where Betts, holding the gun, signaled for a man to get out of his car. Betts and his friend stole the vehicle and drove away. They were arrested the next day.

That was Betts' crime. He pleaded guilty to carjacking, attempted robbery, and a firearm charge. He faced a maximum sentence of life plus 13 years

in prison. At his hearing, Betts apologized. He apologized, first and foremost, to his mother and his family and the man he had terrorized. He expressed genuine remorse for his actions. His apology was heartfelt. He knew he had broken the law. He knew he had to face the consequences, and he owned that responsibility.

For the very real crimes he committed as a 16-year-old, he was sentenced to 9 years in an adult prison. That is hard time. Like so many children, he was tried as an adult and he was imprisoned with grown men.

During that time in prison, Betts read every book he could, he completed a paralegal course, and he learned Spanish. He demonstrated an initiative and willingness to learn which was extraordinary. He embodied the principle of rehabilitation and redemption that our criminal justice system treasures as a vital principle, but the system never gave him an opportunity to reenter society as a productive citizen.

His reading was not part of an education program that gave him college credits or degrees. The paralegal course he took did not produce any certification. The Spanish he learned was not formally recognized by anyone. None of the skills he taught himself would qualify him in the eyes of an employer when he was released from prison as a 24-year-old. Most employers wouldn't even look past the box that he was forced to check identifying himself as an ex-felon.

Fortunately for Betts, and very unusually for him, the literary knowledge he acquired during his time in prison was enough to impress the owner of a bookstore who gave him a job. He enrolled in a community college and graduated with honors. He went to the University of Maryland on a scholarship. He earned a bachelor's degree and a master's in fine arts in poetry, and, eventually, he went to Harvard for a Radcliffe fellowship and published a book of poetry.

Mr. Betts had a criminal record, and it was an ongoing punishment, as it is for every ex-felon and every former convict in America. It follows him everywhere, as it does everyone convicted of a felony, regardless of how much time he served or where he did it. Despite his stellar academic record, the fact that he was an active member of his community and a loving husband and father, he couldn't get a single interview for a job.

Betts tried again. He applied to law school and was accepted at one of the finest institutions of the country. He chose to go to Yale Law School and become an attorney, which he is today.

Betts will be the first to tell you that his extraordinary story is unusual among people who have been convicted of a felony. He has spoken with eloquence and passion about the struggles people like him face, both in prison and once they enter society again.

Most of my life has been spent in law enforcement. Most of my career has

been devoted to pursuing cases against people who break the law. I know that justice involves both punishment and redemption. It is supposed to be penance and rehabilitation. We do not discard the people who have committed crimes. We do not abandon them in our country. In principle—but in action, all too often—yes, they are discarded and abandoned, and so they become recidivists, a polite euphemism for people who commit crimes again and again because they are given no constructive alternative.

Some are dangerous and need to be locked away for life or for long periods of time that are necessary to rehabilitate, but we also know that many non-dangerous convicts could be released with rehabilitation, skilled training, and education—the kind of training that Mr. Betts had.

We are debating a bill now, the FIRST STEP Act, which tries to bring balance back to our criminal justice system. The current system throws away and discards people like Dwayne Betts—a loss to us and to society. These draconian prison terms provide few incentives for prisoners to prepare for reentry, and that is the gap the FIRST STEP Act seeks to address. It is an injustice it seeks to correct. The bill will allow judges to sentence below the mandatory minimum sentences for low-level nonviolent drug offenders who cooperate with the government.

That is a first step to a more humane and effective system. This bill would make the Fair Sentencing Act retroactive, making it possible for nearly 2,600 Federal prisoners sentenced on racially discriminatory drug laws to petition for a reduced sentence.

That is also a first step toward a fairer, more humane system.

The bill includes prison reform. Under this legislation, prisoners can earn 10 days off their time behind bars for every 30 days of recidivism reduction programming. That is the kind of program that would make reentry into society for people like Dwayne Betts just a little bit easier, and it gives prisoners incentives to earn skills in prison so that they can be productive members of society after they have paid their debt. That is another first step toward a more humane and just system.

The bill includes commonsense reforms—measures like prohibiting the shackling of pregnant prisoners and providing feminine healthcare products to incarcerated women.

It ends the horror of Federal juvenile solitary confinement. It helps tackle the drug epidemic that America faces by expanding opioid and heroine abuse treatment behind bars.

There are other crucial, fiercely negotiated reforms in this bill, all of which seek to take that kind of first step toward a better criminal justice system, and one day, it will be cited as an exemplar of American ideals of liberty and justice.

I urge my colleagues to support this measure. It is a good first step, and it

is one we can be proud of supporting on a bipartisan basis in the best spirit of that letter from 44 of our former colleagues, urging us to come together and support common ground where we can improve the greatest Nation in the history of the world.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRAUMATIC BRAIN INJURY PROGRAM REAUTHORIZATION ACT OF 2018

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 730, H.R. 6615.

The PRESIDING OFFICER. The clerk will report the title.

The legislative clerk read as follows:

A bill (H.R. 6615) to reauthorize the Traumatic Brain Injury program.

The PRESIDING OFFICER. Is there objection to proceeding?

There being no objection, the Senate proceeded to consider the bill.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Alexander amendment at the desk be considered and agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 4155) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Traumatic Brain Injury Program Reauthorization Act of 2018”.

SEC. 2. PREVENTION AND CONTROL OF INJURIES.

Part J of title III of the Public Health Service Act (42 U.S.C. 280b et seq.) is amended—

(1) in section 393C (42 U.S.C. 280b-1d) by adding at the end the following:

“(c) NATIONAL CONCUSSION DATA COLLECTION AND ANALYSIS.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may implement concussion data collection and analysis to determine the prevalence and incidence of concussion.”;

(2) in section 394A(b)(42 U.S.C. 280b-3(b)), by striking “\$6,564,000 for each of fiscal years 2015 through 2019” and inserting “\$11,750,000 for each of fiscal years 2020 through 2024”; and

(3) by striking section 393C-1 (42 U.S.C. 280b-1e).

SEC. 3. STATE GRANTS FOR PROJECTS REGARDING TRAUMATIC BRAIN INJURY.

Section 1252 of the Public Health Service Act (42 U.S.C. 300d-52) is amended—